

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2, 4 and 6-18 are currently pending. Claims 1 and 16-18 are independent. Claims 1, 4 and 16-18 are hereby amended in this response. Support for this amendment is provided throughout the Specification as filed and specifically at Figure 12, element 153. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 1-4, 6, 13-14 and 16-18 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,003,792 to Yuen (“Yuen”). Claims 7-12 and 15 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Yuen and Official Notice.

Independent claim 1 recites, *inter alia*:

“...wherein the generation means generates the second information by performing the weighting such that a greatest weight is applied to the median of the first information ...” (Emphasis added)

As understood by the Applicants, Yuen relates to a smart agent (SA) which resides locally in a local client device and by iterative means integrates the habit, statistics and psycho-demographic information of a user to infer the user's preferences. The SA utilizes the preferences to filter information delivered to the local device. Yuen further discloses a means of collecting, combining, integrating and inferring information from the user to arrive at a psycho-demographic profile of the user, and a means of utilizing such psycho-demographic profile to select or filter information delivered to the user, thereby achieving targeting.

Applicants submit that Yuen, however, does not teach or suggest the above identified feature of claim 1. Specifically Yuen does not disclose or suggest an information processing apparatus wherein the generation means generates the second information by performing the weighting such that a greatest weight is applied to the median of the first information.

For at least the foregoing reasons Applicants submit that claim 1 is patentable over Yuen, and therefore should be allowed.

Since independent claims 16-18 are similar or somewhat similar in scope to claim 1, they are allowable therewith.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Furthermore, Applicants respectfully submit that it is improper for Official Notice to be used to reject a claim recitation. Indeed, the Office Action has failed to make a prima facie rejection of claims 7-12 and 15 because the reliance on Official Notice is improper.

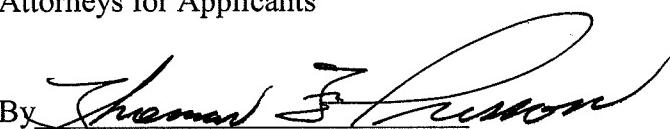
CONCLUSION

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800